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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,559	07/31/2006	Sung-Tae Kim	5038-061176	8932
28789 7590 06/24/2008 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER				
WOOD, KEVIN S				
ART UNIT		PAPER NUMBER		
2874				
MAIL DATE		DELIVERY MODE		
06/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/587,559

**Applicant(s)**

KIM ET AL.

**Examiner**

Kevin S. Wood

**Art Unit**

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)  
Paper No(s)/Mail Date 1/30/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 30 January 2008 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 11 recites the limitation "the laminated coating method" in 4<sup>th</sup> and 5<sup>th</sup> lines of the claim. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 14 recites the limitation "the laminated coating method" in the 2<sup>nd</sup> line of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0151704 to Kawamoto et al. (hereafter referred to as the Kawamoto reference).

Referring to claims 11-13, The Kawamoto reference discloses all the claimed structural limitations. The Kawamoto reference discloses a liquid crystal display, wherein two or more cholesteric liquid crystal layers (12,13) having different selective light-reflecting central wavelengths are laminated sequentially in order from shorter wavelength to longer wavelength in a laminated coating method to form a broadband reflective polarizing plate (1) covering the range of visible light as a selective reflection wavelength region, and then retardation film (21,22) is laminated on the broadband reflective polarizing plate (1) to form a reflective polarizing plate which in turn is disposed between a backlight (43) and a liquid crystal cell unit (6). See Fig. 1 through Fig. 5, along with their respective portions of the specification. The limitations directed to the method of making the device, including the limitation where “the two or more cholesteric liquid crystal layers being formed by repeatedly performing the steps of

coating an orientation layer on a base film and drying a first orientation layer, coating a cholesteric liquid crystal solution on the base film in which said first orientation layer is coated and then irradiating said cholesteric liquid crystal solution layer with light to form a liquid crystal film", are Product by Process limitations. See MPEP section 2113. Only the structure claimed and the structure implied by the method steps determines the patentability of device claims. The Kawamoto reference meets all the claimed structural limitations as well as any that may be implied within the process steps.

Referring to claims 11-13, The Kawamoto reference discloses all the claimed structural limitations. The Kawamoto reference discloses the broadband reflective polarizing plate (1) manufactured by using a laminated coating method, wherein the broadband reflective polarizing plate in which the number of laminated structures of said first and second orientation layers and the cholesteric liquid crystal layer is two or more, is integrally formed with an absorption type polarizing plate or a diffusion plate being laminated in such a manner that an adhesive layer is interposed between the absorption type polarizing plate or the diffusion plate (5). Limitations directed toward the method of forming the device, such as "the reflective polarizing plate being fabricated in the method according to any one of claims 6 to 9", are Product by Process limitations. See MPEP section 2113. Only the structure claimed and the structure implied by the method steps determines the patentability of device claims. The Kawamoto reference meets all the claimed structural limitations as well as any that may be implied within the process steps.

***Allowable Subject Matter***

8. Claims 1-10 are allowed.
9. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the allowability of these claims is the inclusion of the steps of coating the liquid crystal layer formed in (b) with a second orientation layer; then coating said second orientation layer with the cholesteric liquid crystal solution having different selective light-reflecting central wavelengths on to form a cholesteric liquid crystal coating layer; and then irradiating said cholesteric liquid crystal coating layer with UV to form a cholesteric liquid crystal film. The prior art does not teach nor suggests these steps in combination with the other steps claimed within independent claim 1 or independent claim 6.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S. Wood whose telephone number is (571) 272-2364. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KSW

**/Kevin S Wood/  
Primary Examiner, Art Unit 2874**